## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CRIMINAL NO.: 3:15cr234-RJC

UNITED STATES OF AMERICA,	)	
	j j	CONSENT ORDER AND
v.	)	JUDGMENT OF FORFEITURE
	) -	PENDING RULE 32.2(c)(2)
XIWEN HUANG,	)	

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 2323, provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

A forfeiture money judgment in the amount of \$15,600, approximately representative of 100,000 RMBs in proceeds of the offense to which Defendant pled guilty;

Any and all interests of Defendant in H&Z Technologies LLC, a company incorporated by Huang in North Carolina, and in the assets of and payments from H&Z Technologies;

One Apple Model A1533 iPhone, serial #35875105928275;

One Seagate Free Agent Model external hard drive, serial #NA0CA8M8;

One HP Model Envy 17 notebook computer, serial #5CG419DT5N;

One Western Digital Elements model hard drive, serial #WXW1E74EZFLN;

One iMac desktop computer, Model A1311, serial #W80412VTDAS; and

One Staples brand 16GB Relay thumb drive

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

- 3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.
- 4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.
- 5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.
- 6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property used in any manner to facilitate the commission of such offense(s), proceeds of the offense(s), and or other property identified in 18 U.S.C. § 2323(a)(1), and are therefore subject to forfeiture pursuant to 18 U.S.C. § 2323(b). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so.

JILI. WESTMORELAND ROSE UNITED STATES ATTORNEY

BENJAMIN BAIN-CREED
Assistant United States Attorney

XIWEN HUANG

Defendant

NOELL TIN, ESQ.

JACOB H. SUSSMAN, ESQ.

Attorneys for Defendant

Signed this the 25 day of October 2016.

HON. ROBERT J./CONRAD

UNITED STATES DISTRICT JUDGE